

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MARVEL CHARACTERS, INC.,  
Plaintiff and Counterclaim-Defendant,

v.

LAWRENCE D. LIEBER,  
Defendant and Counterclaimant.

Case No.: 1:21-cv-7955-LAK  
and consolidated cases  
21-cv-7957-LAK and 21-cv-7959-LAK

Hon. Lewis A. Kaplan

**NOTICE OF MOTION TO EXCLUDE  
THE EXPERT REPORTS AND  
TESTIMONY OF MARK EVANIER**

MARVEL CHARACTERS, INC.,  
Plaintiff and Counterclaim-Defendant,

v.

KEITH A. DETTWILER, in his capacity as  
Executor of the Estate of Donald L. Heck,  
Defendant and Counterclaimant.

Oral Argument Requested

MARVEL CHARACTERS, INC.,  
Plaintiff and Counterclaim-Defendant,

v.

PATRICK S. DITKO, in his capacity as  
Administrator of the Estate of Stephen J.  
Ditko,

Defendant and Counterclaimant.

**PLEASE TAKE NOTICE** that upon the attached Memorandum of Law in Support of Marvel Characters, Inc.'s Motion to Exclude the Expert Reports and Testimony of Mark Evanier, and accompanying declaration of Molly M. Lens, dated May 19, 2023, and the exhibits thereto, Plaintiff and Counterclaim-Defendant Marvel Characters, Inc. hereby moves the Court, before the Honorable Lewis A. Kaplan, United States District Judge, United States District Court for the Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY, for an Order excluding the expert reports and testimony of Mark Evanier and for such other and further relief as this Court may deem just and proper.

Dated: May 19, 2023

**O'MELVENY & MYERS LLP**

By: /s/ Daniel M. Petrocelli

Daniel M. Petrocelli

Daniel M. Petrocelli\*  
dpetrocelli@omm.com  
Molly M. Lens  
mlens@omm.com  
Matthew Kaiser\*  
mkaiser@omm.com  
1999 Avenue of the Stars, 8<sup>th</sup> Floor  
Los Angeles, California 90067  
Telephone: (310) 553-6700  
Facsimile: (310) 246-6779

Allen Burton  
aburton@omm.com  
Danielle Feuer  
dfeuer@omm.com  
Times Square Tower  
7 Times Square  
New York, NY 10036  
Telephone: (212) 326-2000  
Facsimile: (212) 326-2061

\* Admitted *pro hac vice*

*Attorneys for Marvel Characters, Inc.*